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UNCLAS SECTION 01 OF 02 NIAMEY 000341

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SUBJECT: President Tandja Calls for Constitutional Referendum;
Protesters Take to the Streets

Ref: a) Niamey 243, b) Niamey 165, c) 08 Niamey 1111

11. (SBU) Summary: Minister Mohamed Ben Omar announced on May 8 that President Tandja will seek a new constitution, via referendum, that would lift the current limit on presidential terms. In response, opposition political parties and civil society held a massive demonstration on May 9 in protest. Pro-"tazarche" supporters, however, took to the streets on May 10, signifying their desire for Tandja to remain in office. It is clear that President Tandja wishes to stay in office, and that he is willing to subject Niger to a constitutional referendum to eliminate term limits to accomplish his objectives, rather than slow president elections slated for November 2009. End summary.

Minister Announces Tandja's Plan for New Constitution

12. (U) On May 8, Minister of Communication and Government Spokesperson Mohamed Ben Omar held a press conference at which he announced President Tandja would seek a new constitution by way of referendum. This comes on the heels of President Tandja's May 4 interview with "France 24," when he suggested the possibility of staying in power in response to public demand. Stating that the constitution authorized the holding of referenda, he declared that the people should be allowed to decide. Minister Ben Omar added that this process would involve the President consulting with the Constitutional Court and President of the National Assembly.

13. (U) According to Article 49 of Niger's constitution, the president must seek the advice of the Constitutional Court and the National Assembly before subjecting the constitution to a referendum. Minister Ben Omar interpreted this as meaning the president must advise, but not necessarily gain the consent of both bodies. The president is not bound by the opinions of the National Assembly and Constitutional Court on such matters, he said, and a new constitution would address public demand for flexibility in the country's leadership and to complete projects underway.

PNDS Leaders Hold Demonstrations, "Tazarche" Supporters Respond

14. (U) On May 9, Niger's main opposition party, the Nigerien Party for Democracy and Socialism (PNDS), organized a rally to protest President Tandja's intention to organize a referendum on a new constitution. According to estimates, 20,000 - 30,000 protesters attended the rally, including opposition political party members, supporters of former PM Hama Amadou, civil society organizations, labor unions, and students. Protesters shouted "down with the referendum, down with the 'monarchization' of government." The event proceeded peacefully, without violence or arrests.

¶5. (U) On May 10, about 10,000 supporters of President Tandja participated in a pro-"Tazarche" (Note: Hausa for "let it continue." End note.) rally. Several cabinet members and parliamentarians participated. As in the case with the May 9 demonstrations, the pro-administration rally was peaceful.

Comment

¶6. (SBU) Over the past six months, the notion of President Tandja remaining in office beyond the December 2009 conclusion of his second five-year term in office has consumed political circles. Initial discussion focused on the possibility of running for a third term, which is not permitted by the current constitution - which specifically prohibits amendment of the article limiting terms of presidential office, and thereafter shifting to a mechanism whereby the "instrumentalities of government" could be retained for three years by unexplained means. Following the visits to Niamey of Libyan leader Qadhafy (ref b) and French President Sarkozy (ref a) in March and April, respectively, of 2009, wherein both supported political stability, President Tandja has repeatedly cited the will of the people as important in determining their nation's leadership. Unfortunately, this has now led to what appears to be an extra-constitutional effort to effect a new constitution, apparently with presidential term limits the only item to be revised, to permit him to stand in the next election and to remain in office. This process, which stands to threaten this year's series of five elections (regional, commune, municipal, parliamentary, and presidential), would mar what otherwise would conclude a decade of democratic evolution for Niger. End comment.

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¶7. (U) Minimize considered.

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